

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-6, 8-11, 13-20 and 25-26 are currently pending in this application. Claims 1 and 8-10 are currently amended. Claims 7, 12, 21-24 and 27 are cancelled. Claim 1 is the sole independent claim.

ALLOWABLE SUBJECT MATTER

Applicants note with appreciation the Examiner's indication that claim 12 contains allowable subject matter. By way of present Amendment, Applicants have incorporated the allowable subject matter of claim 12 along with the subject matter of intervening claim 7 into independent claim 1, making claim 1 allowable and rendering moot any prior art rejections. Claims 2-6, 8-11, 13-20 and 25-26 are also allowable at least by virtue of their dependency on independent claim 1.

DOUBLE PATENTING REJECTION

Claims 1-23 and 25-27 are rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent 7,607,080 issued October 20, 2009.

This rejection is moot with respect to claims 7, 12, 21-23 and 27 in view of the cancellation of the claims, and is inapplicable to claims 1-6, 8-11, 13-20 and 25-26 for the reasons given below.

Without commenting on the substance of this rejection, Applicants direct the Examiner's attention to the Terminal Disclaimer filed concurrently herewith.

Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §101

Claims 21-23 and 27 stand rejected under 35 U.S.C. § 101, as being indefinite. This rejection is respectfully traversed.

As shown in the preceding section, claims 21-23 and 27 are cancelled, thereby rendering their rejection moot.

REJECTIONS UNDER 35 U.S.C. §112

Claims 21-23 and 27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

As shown in the preceding section, claims 21-23 and 27 are cancelled, thereby rendering their rejection moot.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested.

Pursuant to 37 C.F.R. §1.17 and 1.136(a), Applicants hereby petition for a three (3) month extension of time for filing a reply to the outstanding Office Action and submit the required \$1,110.00 extension fee herewith.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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